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Attorney for Defendant James D. Richie and Aluvalife, LLC

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

CENEGENICS, LLC,

Plaintiff,

v.

ANTI-AGING AND WELLNESS CLINIC,
aka ANTI-AGING AND WELLNESS,
aka ANTI AGING & WELLNESS
CLINIC,
aka ANTIAGE AND WELLNESS
CLINIC;
ALUVALIFE, LLC,
aka ANTI-AGING AND WELLNESS,
aka ANTI-AGING AND WELLNESS
CLINIC,
dba ANTI-AGING AND WELLNESS
MEDICAL;
ANTI AGING COSTA RICA
aka ANTI-AGING COSTA RICA;

CASE NO.: 2:20-cv-01081-KJD-VCF

**CONSENT DECREE OF PERMANENT
INJUNCTION AS TO DEFENDANTS
JAMES D. RICHIE AND
ALUVALIFE, LLC**

1 JAMES D. RICHIE; and
2 JOHN DOES 1-10, unidentified individuals
and/or entities,
3
4 Defendants.

5 Plaintiff Cenegenics, LLC (“Plaintiff”) filed its Complaint in this action (“Complaint”)
6 seeking, among other things, injunctive relief against Defendants Aluvalife, LLC aka Anti-Aging
7 and Wellness, aka Anti-Aging and Wellness Clinic, dba Anti-Aging and Wellness Medical
8 (“Aluvalife”) and James D. Richie (“Richie”) (collectively, “Defendants” and together with Plaintiff,
9 the “Parties”). Defendants have appeared in this action by and through their counsel, and each
10 Defendant has consented to the entry of this Consent Decree of Permanent Injunction (the
11 “Decree”), without contest and before the filing of any responsive pleading to the Complaint.

12 Since the filing of the Complaint, Plaintiff assigned all of its assets, including the trademarks
13 at issue in this action, to BestLife Holdings, Inc. dba Cenegenics. The Parties understand and agree
14 that BestLife Holdings, Inc. dba Cenegenics has succeeded to and replaced Plaintiff as to all claims
15 and interests at issue in the Complaint, and as such, Plaintiff and BestLife Holdings, Inc. dba
16 Cenegenics are collectively referred to throughout this Decree as “Cenegenics.”

17 Aluvalife and Richie, without admitting or denying the allegations in the Complaint for the
18 purposes of this Decree, except as to jurisdiction and venue, which they admit, consent to the entry
19 of this Decree and state that the consent is entered into voluntarily and that no promise or threat has
20 been made by Cenegenics, or any member, officer, agent or representative thereof, to induce
21 Defendants to consent to this Decree.

22 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** as follows:

23 1. This Court has jurisdiction over Aluvalife and Richie and the subject matter of this
24 action under 28 U.S.C. §§ 1331 and 1338, as well as 15 U.S.C. §§ 1121 and 1125, and its inherent
25 equitable authority. Additionally, this Court has supplemental jurisdiction over all additional non-
26 federal claims, pursuant to 28 U.S.C. § 1367.

27 2. Aluvalife and Richie are subject to this Court’s specific and general personal
28 jurisdiction due at least to their substantial business activity in this District, including at least a
portion of the infringement, deceptive trade practices and disparagement of Cenegenics’s products

1 and services, as alleged in the Complaint.

2 3. Venue is proper in this District pursuant to 28 U.S.C. § 1391 because a substantial
3 part of the alleged acts of infringement, disparagement and other wrongful conduct giving rise to
4 the Complaint occurred in this District.

5 4. Aluvalife and Richie waive the entry of findings of fact and conclusions of law for
6 the purpose of this Decree pursuant to Rule 52 of the Federal Rules of Civil Procedure.

7 5. The Complaint states a cause of action for federal trademark infringement under 15
8 U.S.C. § 1114, Nevada common law trademark infringement, federal unfair competition under 15
9 U.S.C. § 1125(a), and Nevada deceptive trade practices, based upon allegations of infringement of
10 Cenegenics' federally registered trademarks, which include: an incontestable registration for the
11 word mark "CENEGENICS" (U.S. Trademark Registration No. 2,223,227 or the "227 Mark");
12 and a registration for the "CENEGENICS" design mark (U.S. Trademark Registration No.
13 4,656,290 or the "290 Mark") (referred to collectively as, the "Cenegenics Marks"), and other
14 alleged acts of unfair trade practices and disparagement of the Cenegenics Marks.

15 6. The Complaint alleges that, Aluvalife, under the direction and control of Richie,
16 and/or in association or cooperation with Defendants Anti-Aging and Wellness Clinic and/or Anti-
17 Aging Costa Rica, conducts business and advertises services as a direct competitor to Cenegenics
18 in the Age Management industry via various online websites, including those located at
19 <https://www.antiagecr.com> and <https://antiagemedical.com> (the "Aluvalife Websites") and various
20 webpages accessible directly or indirectly therefrom.

21 7. The Complaint further alleges that the Aluvalife Websites are used to advertise,
22 promote and provide their competing services by making use of the Cenegenics® name and/or by
23 invoking the Cenegenics Marks, without authorization or consent by Cenegenics, and by including
24 statements that disparage Cenegenics' products and services and/or that contain false, misleading
25 and/or unfair statements.

26 8. The Complaint further alleges that the unauthorized usage of the Cenegenics® name
27 and/or the Cenegenics Marks has at all relevant times been: (i) in a manner likely to confuse
28 consumers as to its association, affiliation, endorsement or sponsorship with or by Cenegenics, and

1 (ii) in ways that are deceptive and disparaging, and thus particularly damaging to Cenegenics.

2 9. The Complaint further alleges that Cenegenics has never had any association,
3 affiliation or connection with Aluvalife and Richie, Cenegenics has never endorsed,
4 authorized, approved, or sponsored the Aluvalife Websites or its related competing services,
5 and Cenegenics has never authorized or consented to use of the Cenegenics® name or the
6 Cenegenics Marks or any other Cenegenics intellectual property by Aluvalife and Richie.

7 10. As of November 10, 2020, Aluvalife and Richie warrant that:

8 a. All uses of the Cenegenics® name and the Cenegenics Marks on the
9 Aluvalife Websites have been removed;

10 b. They are presently not using the Cenegenics® name or the Cenegenics
11 Marks in any other URLs, page names, page content and/or meta descriptions in any other form of
12 advertising;

13 c. To the extent that they include the Cenegenics® name or the Cenegenics
14 Marks in any future advertising or other public statements, such as comparative advertising, they
15 agree that such use shall include the trademark symbol “®” and an appropriate disclaimer that
16 acknowledges that the Cenegenics Marks are owned by Cenegenics and that Aluvalife and Richie
17 are not affiliated in any way with Cenegenics; and

18 d. They will not include the Cenegenics® name or the Cenegenics Marks in
19 any of their domain name(s) or URLs.

20 11. Upon entry of this Decree, Aluvalife and Richie, and all persons or entities acting in
21 concert with Aluvalife and Richie who have received actual notice of this Decree by personal
22 service or otherwise, during the pendency of this action, and thereafter perpetually, are permanently
23 restrained and enjoined from:

24 a. Displaying the Cenegenics® name or the Cenegenics Marks, or any
25 colorable imitation of the same, anywhere on Aluvalife or Richie’s sales, marketing, and/or
26 promotional materials, including specifically any content posted on the Aluvalife Websites and the
27 various webpages that are accessible therefrom through clickable links, and/or using the
28 Cenegenics® name or the Cenegenics Marks in the source code for such websites, except for use

1 in connection with lawful comparative advertising in a non-misleading manner;

2 b. Unfairly competing with Cenegenics by further acts of infringement, making
3 unauthorized use of the Cenegenics® name or the Cenegenics Marks, and making and/or publishing
4 misleading, disparaging and deceptive statements concerning Cenegenics and any of its products,
5 services, doctors, and employees; and

6 c. Falsely suggesting an affiliation or endorsement by Cenegenics of Aluvalife
7 or Richie's products and services by further acts of infringement and/or making unauthorized use
8 of the Cenegenics® name or the Cenegenics Marks.

9 12. The injunctive provisions of this Decree shall be binding on Aluvalife and Richie,
10 upon any person insofar as he/she is acting in any capacity as officer, agent, servant, employee,
11 representative or attorney for Aluvalife or Richie, and upon any person who receives actual notice
12 of this Decree by personal service or otherwise to the extent such person is acting in active concert
13 or participation with Aluvalife or Richie.

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13. This Court retains jurisdiction over this action and the Parties for the purpose of enforcing and modifying this Decree and for the purpose of granting such additional relief as may be necessary or appropriate.

IT IS SO ORDERED:

UNITED STATES DISTRICT JUDGE

DATED: _____

The undersigned hereby consent to the entry of the foregoing Decree:

For Cenegenics:

For Aluvalife and Richie:

DATED: December ___, 2020 12/11/2020

DATED: December ___, 2020

DocuSigned by:



KRISTY BERRY

on behalf of BESTLIFE HOLDINGS, INC.
DBA CENEGENICS,
as its Chief Executive Officer

JAMES D. RICHIE

Individually and on behalf of
ALUVALIFE, LLC
as its Manager

/s/ Matthew D. Murphey

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Attorneys for Defendants James D. Richie and
Aluvalife, LLC, aka Anti-Aging and Wellness,
aka Anti-Aging and Wellness Clinic, dba Anti-
Aging and Wellness Medical

13. This Court retains jurisdiction over this action and the Parties for the purpose of enforcing and modifying this Decree and for the purpose of granting such additional relief as may be necessary or appropriate.

IT IS SO ORDERED:


UNITED STATES DISTRICT JUDGE

DATED: 1/7/2021

The undersigned hereby consent to the entry of the foregoing Decree:

For Cenegenics:

DATED: December __, 2020

KRISTY BERRY
on behalf of BESTLIFE HOLDINGS, INC.
DBA CENEGENICS,
as its Chief Executive Officer

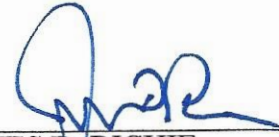
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Attorneys for Plaintiff Cenegenics, LLC

For Aluvalife and Richie:

DATED: December 10, 2020


JAMES D. RICHIE
Individually and on behalf of
ALUVALIFE, LLC
as its Manager

/s/ Melanie A. Hill
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